## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA BIG STONE GAP DIVISION

UNITED STATES OF AMERICA,	)
	) Case No. 2:09CR00017
v.	) FINAL ORDER
JOHN JOEL FOSTER,	) By: James P. Jones
Defendant.	) United States District Judge

For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** that the Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 is DISMISSED WITHOUT PREJUDICE and stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED.

ENTER: January 9, 2013

/s/ James P. Jones
United States District Judge